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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 17 October 2008 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in the Union of Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 64 (c).

(*Signed*) Kyaw Tint **Swe**
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Annex to the letter dated 17 October 2008 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in the Union of Myanmar

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I. Introduction

1. The General Assembly on 22 December 2007 adopted resolution 62/222, "Situation of human rights in Myanmar". The country-specific resolution was initiated by the European Union, which, over the years, has been putting forward similar resolutions on Myanmar. The clear intention of the sponsors is to interfere in the domestic political process in Myanmar under the pretext of human rights.

2. Myanmar's foreign policy is predicated on the five principles of peaceful coexistence. Myanmar has close and cordial relations with all its immediate neighbours and countries beyond. Moreover, it has made significant strides in its national reconciliation and economic development endeavours. It does not pose a threat to either regional or international peace and security. This has been attested to by all its immediate neighbours and countries in the region. The fact that Myanmar poses no threat to regional peace and security is also the considered opinion of the Non-Aligned Movement, which constitutes a clear majority of the membership of the United Nations. Notwithstanding this, the United States and the United Kingdom put forward a draft resolution in the Security Council in September 2006 alleging that the situation in Myanmar posed a potential threat to international peace and security. This view was challenged by a significant number of the members of the Security Council, including two permanent members. Accordingly, the draft resolution failed to carry.

3. These attempts clearly demonstrate the political pressure tactics used by a group of Western countries with the intention of channelling the political process in Myanmar in the direction of their own choosing.

4. The Human Rights Council has been established to eliminate double standards and politicization of human rights issues. A universal periodic review process has also been instituted in this regard. With the establishment of the Human Rights Council, the most appropriate forum for the consideration of human rights issues is the Human Rights Council.

5. Human rights in a given country can best be promoted through understanding and cooperation, rather than through country-specific resolutions that are confrontational and prescriptive.

II. Brief political background of Myanmar

6. Myanmar is a multi-ethnic and multireligious society. It is home to eight major ethnic groups comprising over 100 ethnic nationalities. They have always lived in weal and woe throughout history. It was only with the advent of the "divide and rule" policy of the colonialists that the seeds of discord were sown among them. This resulted in insurgency which took a heavy toll on the country. The challenges facing Myanmar are delicate and complex, and it would be a grave mistake to conclude that they can be overcome overnight.

7. In 1988, the Government replaced the socialist system and the centrally planned economy with a multiparty system and a market-oriented economy. It initiated reforms and has been making untiring efforts to maintain peace and stability and promote economic and social development.

8. National unity is vital for political, economic and social progress in Myanmar. Accordingly, the Government has been promoting it. Peace overtures to armed groups have resulted in the return to the legal fold of 17 out of 18 armed insurgent groups. They are now cooperating with the Government in regional development programmes. The Government has not shut the door on peace talks with the remaining armed group, the Kayin National Union (KNU).

9. With the return of peace and stability, the Government is now focusing on the political, economic and social development of the country, particularly in the far-flung border areas, which lagged behind the heartland. Most importantly, Myanmar has been progressing on its seven-step road map for transition to democracy. Preparations are well under way for the fifth step, the holding of general elections in 2010.

III. Recent developments in Myanmar

A. Relief and rehabilitation in the aftermath of cyclone Nargis

10. On 2 and 3 May 2008, one week before the people of Myanmar were scheduled to cast their votes in the national referendum on a new State Constitution, the devastating cyclone Nargis slammed into the Ayeyarwady Delta. It was the worst natural disaster in the recorded history of Myanmar, and left unprecedented death and destruction in its wake.

11. The Government and people of Myanmar responded expeditiously to the emergency. The National Disaster Preparedness Control Committee (NDPCC), set up in 2004 following the tsunami that struck the region and chaired by the Prime Minister, immediately went into action. The NDPCC convened a meeting on 3 May 2008 and released 50 billion kyats for emergency relief and recovery activities. Within days, 419 relief camps were set up and 380,592 victims provided shelter. By mid-July, over 87 billion kyats was expended by the Government in the cyclone relief and rehabilitation activities. The outpouring of sympathy and the response of the Myanmar nation, the Government, the armed forces, civil society, private enterprises and individuals were overwhelming. Immediately after the onslaught of the cyclone, the Government mobilized all the resources at its disposal.

12. Over 2,000 medical doctors and nurses were dispatched to the affected areas. Four hospital ships were also deployed in the delta region. These national efforts were complemented by the civilian medical teams from ASEAN countries, Bangladesh, Belgium, China, France, Hungary, India, Japan, the Republic of Korea and Sri Lanka.

13. From the very beginning, Myanmar recognized the magnitude of the challenge it faced. As early as 5 May, it called on the United Nations to provide emergency assistance from the Central Emergency Response Fund (CERF). On 9 May 2008, the United Nations launched a flash appeal to the international community. Even prior to this, Myanmar opened its doors and received the entry of international assistance and aid sent by land, air and sea.

14. An international pledging conference was organized in Yangon jointly by the Myanmar Government, ASEAN and the United Nations on 25 May. The United Nations Secretary-General Mr. Ban Ki-moon himself visited Myanmar from 22 to 23 May. On 22 May, he toured cyclone-hit areas and observed first-hand the relief

and rehabilitation activities. It is noteworthy that, in his address to the pledging conference on 25 May, he stated: "The people of the country have shown extraordinary courage and resilience in trying to save their fellowmen and to rekindle the hope shattered as a result of this cruel blow. From all I have seen, the Government, with the help of the international community, has put in place a functioning relief programme". Prime Minister General Thein Sein, in his statement, stressed that Myanmar was ready to welcome assistance from any quarter provided it was given with genuine goodwill and had no strings attached.

15. Following the conference, a tripartite core group (TCG), comprising high-level representatives of the Government of Myanmar, ASEAN and the United Nations, was established on 30 May 2008 to coordinate relief efforts and to conduct a post-cyclone joint assessment (PONJA). TCG came up with a report that describes at length the extent of the destruction caused by the cyclone, its impact on the affected regions and the scope and scale of the humanitarian assistance that would be needed in the medium and long term.

16. The PONJA report acknowledges the prompt and systematic response of the Government and people of Myanmar to the disaster. The following are salient statistics from the report:

- 84,537 people were killed, 19,359 injured and 53,836 reported missing;
- Due to the cyclone and the resulting storm surge, 450,000 houses were totally destroyed and 350,000 damaged;
- The damage and cost incurred is on a scale similar to that felt in Indonesia due to the tsunami in 2004, particularly at the household and community level;
- 75 per cent of health facilities in the affected areas were destroyed or severely damaged;
- Around 4,000 schools were destroyed;
- The cyclone and the storm surge wiped out the livelihoods of families overnight; 600,000 hectares of agricultural land were flooded; up to 50 per cent of draft animals were killed; fishing boats were destroyed; food stocks and farming implements were swept away;
- Recovery needs for the next three years is estimated to be over US$ 1 billion. The most urgent need is for food, agriculture, housing, basic services and support to communities for restoring their livelihoods and rebuilding assets.

17. The TCG press release issued on 30 September 2008, highlights, inter alia, the following:

- Nearly five months into the post-disaster response in Myanmar, more than 33,000 metric tons of food has reached over 733,000 people affected by the cyclone;
- There has been successful prevention of outbreaks of waterborne diseases, dengue haemorrhagic fever as well as other vector-borne diseases in the cyclone-affected areas;
- The needs of the victims of cyclone Nargis are still great. Increased and committed financial support is necessary in order to continue assistance to the cyclone survivors;

- Almost 50 per cent of the requirements in the revised United Nations Flash Appeal remain unfunded. According to the OCHA Financial Tracking Services, total contribution now stands at US$ 240 million out of the US$ 482 million required. Agriculture and early recovery continue to be the least funded sectors;

- TCG continues to foster cooperation and serve as a mechanism to resolve issues concerning efficient aid delivery. Currently, 1,676 visas have been issued and 2,036 group travel authorizations have been provided;

- The Government of Myanmar appreciates the support by the international community and welcomes the continued operations;

- TCG will undertake periodic reviews to regularly assess progress in the humanitarian effort. The first review is planned for November 2008, with the presentation of the outcome in mid-December. A unique partnership among the Government of Myanmar, ASEAN and the United Nations continues in all these efforts.

18. Immediately after the storm, relief camps were set up in Yangon and Ayeyarwady Divisions. Emergency assistance, including food, shelter and medicine were provided to the victims. As soon as the situation improved, arrangements were made for those who wished to return to their villages or new settlements to do so. To ensure that the process is voluntary, the Government laid down following criteria:

- Return to their place of origin or to a new settlement must be of their own volition;

- Existence of adequate housing;

- The returning household members must be in good health.

The criteria were faithfully implemented.

19. The pain and grief felt by the survivors of the devastating storm continues even today. There is, however, a silver lining in the dark clouds. The Myanmar nation was united in its response to the emergency. The outpouring of generosity was overwhelming. People from all walks of life donated cash and kind to the victims. The ASEAN member States, the United Nations, donor countries, NGOs and individuals from around the world also responded generously. We have been able to demonstrate the willingness and ability to work in concert with the international community. We have been able to rebuild better and stronger homes, schools and monasteries. The paddy fields destroyed by the storm have been completely replanted.

B. Adoption of the new State Constitution

20. Even while tackling the challenge posed by cyclone Nargis, the Government did not renege on its promise to hold the national referendum on the draft new State Constitution on 10 May 2008 to ensure that the seven-step political road map would proceed without fail. This is accomplished without affecting the prompt delivery of humanitarian assistance to the victims of cyclone Nargis. The prompt and effective assistance provided by the Government is attested to by the reports of the United Nations agencies, the Tripartite Core Group (the Government, the United Nations,

and ASEAN) and the international NGOs operating in Myanmar. With the exception of the 7 townships in the Yangon Division and the 40 townships in the Ayeyarwady Division affected by the storm, a nationwide referendum was held in 278 townships on 10 May. The referendum in the remaining 47 townships followed suit on 24 May. The referendum was conducted in a free and fair manner. Members of the diplomatic corps and military attaches in Myanmar observed the referendum first-hand at polling stations in various parts of the country.

21. The Commission for the Convening of the National Referendum announced the voting results on 26 May 2008 as follows:

- The total population of Myanmar — 57,504,368;
- Number of eligible voters — 27,288,827;
- Number of votes cast — 26,776,675;
- The overall voter turn-out — 98.12 per cent;
- Votes in favour — 24,764,124.

92.48 per cent of the total eligible voters voted in favour of the draft Constitution.

22. In approving the new State Constitution through a nationwide referendum, the people of Myanmar have expressed their will by an overwhelming majority.

IV. Cooperation with the United Nations

23. Cooperation with the United Nations is a cornerstone of Myanmar's foreign policy. In this spirit, Myanmar has consistently cooperated with the United Nations in various fields, including in the area of human rights. Myanmar provides necessary information and responds to communications sought by the United Nations bodies. It also submits reports to the relevant United Nations treaty bodies.

24. Myanmar's desire to cooperate with the United Nations is further demonstrated by the visits of senior United Nations officials to Myanmar. The then special envoy of the Secretary-General, Mr. Razali Ismail, visited Myanmar on 14 occasions and the previous Special Rapporteur, Professor Paulo Sergio Pinheiro, on 7 occasions during his tenure.

25. Visits to Myanmar by senior United Nations officials include those of Mr. Kul C. Gautam, Deputy Executive Director of UNICEF, in August 2006; Ms. Margareta Wahlström, Assistant Secretary-General of the Office for the Coordinator for Humanitarian Affairs and Deputy Humanitarian Coordinator, in April 2007; Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict, in June 2007; Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in May 2008; Secretary-General Mr. Ban Ki-moon, in May 2008; and Mr. Tomás Ojea Quintana, the Special Rapporteur on the situation of human rights in Myanmar, in August 2008.

26. Under-Secretary-General Ibrahim Gambari has visited Myanmar six times. During his visit to the country from 29 September to 2 October 2007, he called on the Chairman of the State Peace and Development Council, Senior General Than Shwe. He also had the opportunity to meet with the Secretary-1 of the State Peace

and Development Council, who was also the Acting Prime Minister at that time. During the visit, he also met twice with Daw Aung San Suu Kyi.

27. Most recently, Under-Secretary-General Gambari was in Myanmar from 18 to 23 August 2008, on his sixth trip. The Government extended full cooperation to Mr. Gambari. He not only had the opportunity to meet with senior Government officials but also with those from the political, social and economic spheres. He witnessed first-hand the rehabilitation activities in Kungyankon, in the Ayeyarwady Delta, which was among the areas severely affected by the cyclone.

28. Under-Secretary-General Gambari also met with the Prime Minister, General Thein Sein. The issues he raised with the Myanmar authorities were given positive consideration. In response to his request for the release of prisoners on humanitarian grounds, 9,002 prisoners were granted amnesty on 23 September 2008.

29. Notwithstanding the efforts of the Myanmar authorities to arrange a meeting between Mr. Gambari and Daw Aung San Suu Kyi, the meeting failed to take place owing to her refusal to meet him. More recently, a proposal for a meeting between the Minister for Relations U Aung Kyi and Daw Aung San Suu Kyi was made by the authorities through her attorney. The Government, in accordance with its policy of national reconciliation, continues to keep the door open for a dialogue with her.

V. Combating illegal narcotic drugs

30. Myanmar has been waging a war against illicit narcotic drugs for decades. A comprehensive 15-year National Plan was put in place in 1999. National efforts against the illicit drug problem are based on two strategies; firstly, to strive for the eradication of narcotic drugs as a national task, and, secondly, to strive for total eradication of poppy cultivation through the promotion of living standards of all the national races residing in the border areas. These strategies are buttressed by strengthened legislation coupled with effective enforcement measures.

31. Numerous development projects have been carried out since 1992 to promote the living standards of the national races residing in the border areas. Alternative livelihood has been provided to farmers to encourage them to end their dependence on opium poppy cultivation. The "New Destiny Project" launched in April 2002 was designed to promote such activities and to provide support to poppy growers as they turn to alternative cash crops.

32. As a result of Myanmar's anti-narcotic endeavours, poppy cultivation decreased by 82.5 per cent between 1997 and 2007. Moreover, we have been able to declare drug-free zones in the Mongla, Kokang and Wa regions.

33. At the regional level, Myanmar is working together with the other members of ASEAN to reach its common goal of making the region free from drugs by 2015. Myanmar has signed an MOU with six countries for the creation of a Greater Mekong Sub-region drug-free zone. Myanmar aims to rid the country of narcotic drugs by 2014, one year ahead of the date set by ASEAN.

34. Myanmar's national efforts in combating the drug problem were carried out with little or no external assistance. These sincere efforts have not received the full acknowledgement and support that they deserve.

VI. Promotion and protection of human rights

35. Myanmar believes that the promotion and protection of human rights should be conducted in conformity with the purposes and principles of the Charter and international law. Human rights issues must be addressed with objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. There should be no double standards or politicization of human rights issues.

36. Promotion and protection of human rights must be addressed in a global context through a constructive, dialogue-based and non-confrontational approach. It is only cooperation, rather than politicization of human rights, that can bring about improvements in human rights situations around the world.

37. Like other developing countries, Myanmar accords priority to the right to development. It has been striving for the all-round development of the country, paying attention to closing the gap between urban centres and rural areas, including the border areas where the majority of our ethnic nationalities reside.

38. Myanmar strongly supports the position of the Non-Aligned Movement, which opposes and condemns selectivity and double standards in the promotion and protection of human rights and the exploitation of human rights as pretext for political purposes.

39. Myanmar has long been a victim of a systematic disinformation campaign launched by anti-government elements, generously funded by their foreign supporters. The egregious allegations of human rights violations which invariably emanate from anti-government elements have found their way into the United Nations reports. Thus, there is a need to verify all information before it is judged fit for inclusion in official reports.

VII. Allegations regarding internally displaced persons

40. The vast majority of the so-called refugees on the Myanmar-Thai border are illegal economic migrants — a view shared by both Myanmar and its eastern neighbour. The rest are insurgents and their families, who seek temporary refuge in order to carry out cross-border terrorist acts.

41. The return of 17 armed groups to the legal fold has led to the restoration of peace and stability in the country, including in the border areas where the insurgents used to operate. This has effectively ended armed conflict situation in the country. Only the Kayin National Union (KNU) and the remnants of the former narco-trafficking armed groups are still fighting the Government. Counter-insurgency campaigns are restricted to a few localities and conducted only against those who are engaged in acts of terrorism. The operations are to protect the life and property of peace-loving citizens. Such limited action in a few localities can in no way result in situations leading to a humanitarian crisis. It should be noted that the insurgents force villagers to abandon hearth and home and to flee across the border.

42. The issue of cross-border movement of peoples between Myanmar and Bangladesh is a bilateral issue which was resolved a long time ago between the two friendly neighbours in an amicable manner. Since 1992, over 230,000 returnees have been accepted by the Myanmar authorities under safe and voluntary conditions with

the cooperation of UNHCR. This is an excellent example of resolving amicably bilateral issues between two neighbouring countries.

VIII. Child soldiers

43. Child protection is part and parcel of our culture and tradition. It has been our practice even before it was put into international legal instruments. This fact should be borne in mind when the situation of child soldiers is considered.

44. With the return to the legal fold of 17 out of 18 armed insurgent groups, peace and stability prevails in almost all corners of the country. Under no circumstances can Myanmar be considered to be in a situation of armed conflict.

45. The Myanmar Armed Forces, including Tatmadaw (kyi), is an all-volunteer army and those who join the military service do so of their own free will. Under the relevant Myanmar Defence Services and War Office Council instructions, a person cannot be enlisted in the armed forces until he has attained the age of 18. Forced conscription in any form is strictly prohibited. A new Directorate has also been established to oversee strict adherence to the orders, regulations and directives in the recruitment process. The Committee for the Prevention of Military Recruitment of Underage Children has also been established since 5 January 2004 to prevent recruitment of underage children as soldiers, to protect the interests of underage children and to ensure faithful adherence to the orders and instructions for the protection of underage children. To realize its objectives, the Committee has adopted a Plan of Action to strictly scrutinize that children under 18 years of age are not recruited into the armed forces. The plan includes comprehensive measures such as recruitment procedures, procedures for discharge from military service, reintegration into society, public awareness measures, submission of recommendations and consultation and cooperation with international organizations, including UNICEF and the United Nations Resident Coordinator's Office. The Committee has also set up a task force composed of the relevant line ministries such as the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Social Welfare, Relief and Resettlement to systematically supervise implementation of the Plan of Action.

46. In order to raise awareness among those who are involved in the recruitment process, officers of the Office of the Adjutant-General and the Office of the Judge Advocate General conduct talks on the protection and promotion of child rights and the directives and regulations governing the recruitment process. UNICEF has also been invited to conduct lectures on the protection and promotion of child rights. New recruits found to be underage at recruitment centres or training bases are discharged and entrusted with their parents or guardians. Punitive action is taken against recruiters who contravene regulations. The Government has been providing detailed information regarding the progress of its awareness-raising activities, the number and specific particulars of the underage children discharged from the military and other pertinent data to the Special Representative of the Secretary-General for Children and Armed Conflict. The information has also been provided to the resident representatives of UNDP and UNICEF, who have from time to time had occasion to visit recruitment centres to witness first-hand the recruiting process.

47. At the invitation of the Government, the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswami,

visited Myanmar from 25 to 29 June 2007. She met with the Acting Prime Minister and Secretary-1 of the State Peace and Development Council, who is also the Chairman of the Committee for the Prevention of Military Recruitment of Underage Children. The strong political will to resolve the issue of underage recruitment was demonstrated during the meeting. In addition to meeting with the Ministers, the Special Representative had the opportunity to hold an interactive meeting with the members of the Committee for the Prevention of Military Recruitment of Underage Children. The meeting resulted in an agreement to develop an action plan, in line with international standards, in close cooperation with the United Nations country team, in particular with UNICEF. The Special Representative also visited a recruitment centre in Mandalay.

48. A series of follow-up measures have been taken after the visit of the Special Representative. At her request, an additional focal point for Security Council resolution 1612 (2005) was also established and the Director-General of the International Organizations and Economic Department of the Ministry of Foreign Affairs was designated for that purpose. A working group headed by the Director-General was formed in September 2007 to facilitate the establishment of the monitoring and reporting mechanism.

49. As a result of the Government's strict scrutiny, over 1,000 underage persons were rejected at the recruitment stage between February 2007 and May 2008. Disciplinary action has also been taken against military personnel who failed to strictly abide by the recruitment criteria.

50. The Government, in cooperation with UNICEF, has conducted a number of workshops and seminars to educate military and police personnel, staff members of relevant government ministries and the general public. Four workshops and seminars were held in 2007, in which the World Vision and Save the Children organizations took an active part. The seminars were followed by a number of multiplier courses in Yangon, Mandalay, Ayeyarwady, and Sagaing Divisions as well as the Shan, Mon and Kachin states. Between 1 February and 30 June 2008, over 107,000 military personnel and their spouses attended the multiplier courses. Awareness-raising campaigns are being intensified to educate the general public on the issue of child soldiers.

51. It is heartening to note that the six armed groups that have come back to the legal fold, namely, the Democratic Karen Buddhist Army (DKBA), Kachin Independence Organization (KIO/KIA) Karenni National People's Liberation Front (KNPLF), the Myanmar National Democratic Alliance Party, Karen National Union-Karen National Liberation Army (KNU-KNLA) Peace Council and the United Wa State Army (UWSA) have openly committed themselves not to recruit child soldiers.

52. On the issue of child soldiers, the need for the United Nations entities to strictly abide by Security Council resolution 1612 (2005) cannot be overemphasized, particularly, the provisions on the establishment of dialogue under the framework of monitoring and reporting mechanism by United Nations entities with non-State armed groups. Resolution 1612 (2005) provides that this mechanism must operate with the participation and in cooperation with the national Government.

53. The United Nations country team in Myanmar has been supportive of Myanmar's endeavours to prevent the recruitment of underage children into the military. We will continue our cooperation with the United Nations country team. We will also continue to cooperate with Under-Secretary-General, Ms. Radhika Coomaraswami, Special Representative of the Secretary-General for Children and Armed Conflict.

IX. Trafficking in persons

54. Myanmar has made considerable progress in the fight against human trafficking both at the national level and in the regional context. The Government has carried out awareness-raising campaigns and has instituted effective law enforcement measures. The Penal Code, which provides legal provisions for heavy penalty against perpetrators, has been strengthened by the Anti-Human Trafficking Law enacted in September 2005. As required by the Law, the Central Body for the Prevention and Suppression of Human Trafficking has been established under the chairmanship of the Minister for Home Affairs. Under the Central Body, the following working groups are actively engaging in their assigned tasks: (1) the Working Group on the Prevention of Trafficking in Persons and the Protection of Trafficked Victims; (2) the Working Group on the Legal Framework and Prosecution Measures; and (3) the Working Group on the Repatriation, Reintegration and Rehabilitation of Trafficked Victims.

55. Moreover, nationwide preventive and supportive activities, capacity-building of its volunteers and educational talks on the subject of human trafficking are conducted extensively by national NGOs. The Myanmar Women's Affairs Federation is also actively engaged in taking measures to prevent trafficking of persons for sexual exploitation.

56. Myanmar believes that trafficking in persons is a serious transnational issue and that the elimination of this threat can be achieved only through a coordinated and collective response of all countries concerned. Accordingly, Myanmar has been actively participating in the Bali process. An agreement was signed in Yangon in October 2004 to strengthen multisectoral response in the Greater Mekong Subregion (GMS) through the Coordinated Mekong Ministerial Initiative (COMMIT). A Plan of Action to fight human trafficking was also adopted in Hanoi in 2005 as a follow-up.

57. In March 2004, Myanmar acceded to the United Nations Convention against Transnational Organized Crime and two supplementary protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. These developments further demonstrate Myanmar's commitment to combat human trafficking in keeping with the United Nations Convention against Transnational Organized Crime. Progress has been made in our efforts to sign bilateral MOUs with China and Thailand on the prevention of human trafficking. These MOUs are expected to be signed in the near future.

X. Violence against women

58. Myanmar tradition, culture and values serve to protect women and girls from human rights abuses, including sexual and gender-based violence. Myanmar categorically rejects the unfounded allegations of sexual violence levelled against its armed forces. The Myanmar military has been falsely accused of gang rape based on fallacious reports issued by the expatriate Shan Women's Action Network (SWAN), the Shan Human Rights Foundation (SHRF) and Kareni Human Rights Group (KHRG). It should be noted that in 2002, the United States State Department's country report on Myanmar identified both SHRF and KHRG as organizations which have associations with insurgent armed groups. When one of the founding members of SWAN was in Washington, D.C., the news media correctly identified her as the daughter of a commander of the Shan State Army (SSA). The SSA is an insurgent armed group and the United States State Department's country report 2002 stated that the Shan State Army-South (SSA) "committed human rights abuses including killing, rapes, forced labour, and conscription of child soldiers". The allegations levelled at the Myanmar military come from these groups associated with the insurgents.

59. Rape, let alone gang rape, is regarded by the Myanmar people and Government as a most dastardly and abhorrent crime. When such a crime is committed, the Government ensures that the full force of law is applied against the perpetrators. Three separate investigations regarding these allegations have been carried out by authorities and organizations concerned, including the Myanmar Women's Affairs Federation. In genuine cases, perpetrators were prosecuted and sentenced in accordance with the law.

XI. Allegations of forced labour

60. Myanmar and the ILO have enjoyed good and cooperative relations since Myanmar joined the organization in 1948. After four decades of Myanmar's membership, its traditional practice of contributing labour for community development activities was seen in a negative light and brought before the ILO. The anti-government groups in the disguise of free trade unions exploited the labour issue to pursue their political agenda to bring the issue to the ILO. This eventually led to the filing of complaints by the workers group in June 1996 against Myanmar for the alleged non-observance of ILO Convention 29 (Forced Labour Convention of 1930).

61. Myanmar had shown its cooperation with ILO by inviting the ILO Technical Cooperation Mission to Myanmar four times during 2001-2002. The Myanmar Government fully cooperated with the ILO Liaison Officer a.i. in dealing with the complaints relating to the requisition of forced labour.

62. Myanmar also received the visit of a very High-Level Team from the ILO (vHLT) in February 2005. Despite those positive steps taken by the Government of Myanmar, the 93rd International Labour Conference held in June 2005 reactivated the punitive resolution adopted at its 88th session. Notwithstanding the negative measures taken by ILO, Myanmar has shown its firm commitment to the eradication of forced labour in the country and explored every avenue for how to cooperate with

the ILO in a mutually constructive manner in the time and space available to Myanmar.

63. Subsequently Myanmar and the ILO continued their discussion for the establishment of a mechanism to handle cases of alleged forced labour. A senior-level ILO mission visited Myanmar in October 2006 to continue negotiations on the issue. On 26 February 2007, the Myanmar Government and the ILO reached agreement on the establishment of a mechanism to address forced labour. The agreement has been implemented to the mutual satisfaction of the Government and the ILO.

64. The mechanism to deal with forced labour complaints is now fully operational. It assists the Myanmar Government in its efforts to eliminate forced labour in the country. Complaints received and forwarded by the ILO Liaison Officer have been expeditiously investigated by the Myanmar authorities. Legal action has been taken against perpetrators. At the same time, the Government is cooperating with the ILO Liaison Officer to carry out his mandate. We are fully convinced that the progress achieved in this mechanism will eventually lead to the achievement of the goal of the eradication of forced labour in the country. After one year of its implementation, the Supplementary Understanding has now been extended for another year. Pursuant to the recommendation made by the 301st ILO Governing Body Meeting, the text of the Supplementary Understanding has been translated into the Myanmar language and posted on the website of the Ministry of Labour in the interests of the general public.

65. The progress achieved is reflected in the report of the Secretary-General on the situation of human rights in Myanmar to the sixty-third session of the General Assembly.

XII. Religious tolerance

66. Although Buddhism is the religion of the majority of the people, other religions, such as Christianity, Islam and Hinduism, coexist and flourish in Myanmar. Buddhism is based on tolerance and *metta* (loving kindness). The Government encourages and maintains interreligious harmony, and freedom of worship is guaranteed by law and in practice. In major cities, pagodas, churches, mosques and Hindu temples can be seen side by side, testifying to the religious harmony and tolerance in Myanmar. Madame Sadako Ogata, following her visit to the country as an independent expert of the Commission on Human Rights, cited Myanmar as a "model society" for religious tolerance. Allegations of religious intolerance in Myanmar are groundless and are politically motivated.

XIII. Economic and social development

67. The Government is striving to lay a firm foundation for political, economic and social infrastructure for a future democratic State. It has devoted significant resources in such sectors as health, education and transportation. With a view to narrowing the gap between rural and urban areas, the Government has been implementing the three National Development Programmes, namely (i) the Border Areas Development Programme; (ii) the Plan for 24 Special Development Zones;

and (iii) the Integrated Rural Development Plan. This has resulted in notable progress in various sectors.

68. Myanmar has the potential to contribute to energy and food security of our region. We are willing to do our part. We are making concerted efforts to produce more crude oil and natural gas to meet the needs of the domestic market as well as for export. We also have huge potential for hydroelectric power. Moreover, as the agriculture sector is the mainstay of Myanmar's economy, we are focusing on expanding the cultivation of paddy, beans and pulses. We have also introduced new industrial crops, such as jetropha (physics nut) for use in the production of biofuels.

69. Economic and social progress can only be achieved through development, never through coercive economic measures. Such measures only serve to worsen the plight of the people, particularly the most vulnerable among them, women and children.

70. Unilateral sanctions have been imposed on Myanmar. These sanctions are unwarranted. Unilateral sanctions are also against international law. They are not only unfair but immoral. They are also counter-productive and deprive countries of their right to development. The sooner the unjust sanctions are revoked and the barriers removed, the sooner will the country be in a position to become the rice bowl of the region and a reliable source of energy.

XIV. Conclusion

71. Myanmar is home to over 100 national races and national unity is of paramount importance. Accordingly, we have been resolutely pursuing a policy of national reconciliation. Our endeavours have resulted in the return to the legal fold of 17 armed groups. We have effectively put an end to the decades-long insurgency. Peace and stability now prevails in almost all parts of the country. The prevailing conditions of peace and stability provide opportunities for the people of Myanmar to enjoy better standard of living and human rights. The sustained endeavours by the Government have also led to significant progress in the economic and social sectors. When the first *Human Development Report* by UNDP came out in 1990, Myanmar was placed in the third category: country enjoying low human development. The country's steady progress in development was reflected when, starting eight years ago, we were elevated to the second category: country enjoying medium human development. The report also shows that the percentage of the undernourished population has declined from 10 per cent to 6 per cent. The percentage of the population with sustained access to improved sanitation increased from 21 per cent to 73 per cent. Myanmar's adult literacy rate is 93.3 per cent, youth literacy rate is 96.5 per cent and the net primary school enrolment is 84.5 per cent.

72. For its part, Myanmar is striving to promote better living standards for its people. The implementation of the Millennium Development Goals is inextricably linked with the implementation of our National Development Plan. The national plan focuses on the promotion of equitable and balanced socio-economic development of both rural and urban areas. In recent years, we have made significant progress in areas, such as poverty alleviation, promotion of health and education.

73. In the health sector, Myanmar has been implementing a national plan that accords priority to eradication of major diseases, such as HIV/AIDS, malaria and tuberculosis. A high-level multisectoral committee on AIDS has been overseeing HIV/AIDS prevention and care activities in the country since 1989. The activities undertaken by the Committee include active surveillance, prevention of mother-to-child transmission as well as community, institution and home-based care services. These activities are carried out by the Government in close cooperation with international organizations such as WHO, UNICEF, the World Food Programme, national and international NGOs in order to reach out widely to vulnerable groups. As a result, Myanmar has not only levelled the rate of HIV/AIDS infection but also reduced it. I would like to emphasize that if we are to have a more dynamic and effective global response to HIV/AIDS, adequate resources must be made available. Moreover, allocation of resources for HIV/AIDS, malaria and tuberculosis must be on a need basis rather than on political consideration.

74. Myanmar has been implementing a seven-step political road map to democracy. The representatives of former armed groups together with the representatives of political parties, ethnic nationalities and other representatives took an active part in the National Convention process, the first crucial step of the road map. The National Convention successfully laid down the fundamental principles to be enshrined in a new State Constitution. Based on those principles, a new Constitution was drafted and put to a nationwide referendum last May. The people of Myanmar overwhelmingly approved the draft Constitution.

75. The fifth step of the road map, the general elections, will be held in 2010. Necessary measures are being undertaken for this important step. All citizens, regardless of political affiliation, will have equal rights to form political parties and to conduct election campaigns. The Government will ensure that the elections will be free and fair.

76. Myanmar today is steadfastly proceeding on its chosen path towards democracy. The challenges faced by Myanmar are complex and multifaceted. In the words of Mr. Tomás Ojea Quintana, Special Rapporteur on the situation of human rights in Myanmar, "Myanmar is going through a unique moment in its political history ... The country has gone through important changes over the past year and still continues to face complex challenges". Undue pressure from the outside, without fully comprehending the challenges faced by Myanmar, can in no way facilitate the country's home-grown political process. It cannot be stressed enough that no one can address the complex challenges facing Myanmar better than its Government and people. The international community can best assist Myanmar's democratization process by respecting the will of its people expressed in the recent referendum.